

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

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Lavonda Lampkin,

Plaintiff,

VS.

Employment Services, Inc., d/b/a
Centura College,

Defendant.

2016 JAN -8 P 4: 17

No. 2:15-cv-1462-RMG

ORDER

This matter comes before the Court on the Report and Recommendation (R & R) of the Magistrate Judge (Dkt. No. 17), recommending that the Defendant's motion to dismiss because of improper venue (Dkt. No. 6) be denied. The parties were advised of their right to file objections to the R & R within 14 days of service of the R & R, and a failure to timely file objections would result in limited review by the District Court and a waiver of the right to appeal from the judgment of the District Court. (Dkt. No. 17 at 6). No party filed objections to the R & R.

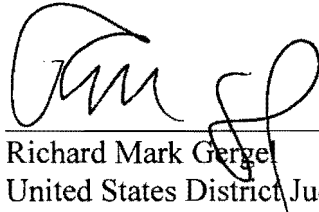
The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). This Court is charged with making a de novo determination of those portions of the R & R to which objection is made. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting 28 U.S.C. § 636(b)(1)); *accord* Fed. R. Civ. P. 72(b).

However, as is the case here, where no objections are made, this Court “must only satisfy

itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Id.* (quoting Fed. R. Civ. P 72 advisory committee note). Moreover, in the absence of specific objections to the R & R, the Court need not give any explanation for adopting the Magistrate Judge’s analysis and recommendation. *See Camby v. Davis*, 718 F.2d 198, 199-200 (4th Cir. 1983).

The Court has carefully reviewed the R & R and record in this matter and finds that the Magistrate Judge correctly concluded that Defendant’s forum selection clause is not applicable to the claims presented by Plaintiff in this action. Therefore, the Court **ADOPTS** in full the Magistrate Judge’s Report and Recommendation (Dkt. No. 17) as the order of this Court and **DENIES** Defendant’s motion to dismiss.

AND IT IS SO ORDERED.


Richard Mark Gerge
United States District Judge

January 8, 2016
Charleston, South Carolina